

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Magistrate No.

AFFIDAVIT

I, Cory Borkenhagen, being duly sworn, depose and state as follows:

1. I am a Special Agent (SA) in the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) assigned to the Fargo Field Office. I have been employed with the ATF since January 2010. Prior to that, I was employed as a Police Officer in the City of Moorhead, Minnesota for over ten years. I have a Bachelor of Arts Degree in Criminal Justice from Minnesota State University, Moorhead. I attended the Criminal Investigator's course and the Bureau of Alcohol, Tobacco, Firearms, and Explosives Academy at the Federal Law Enforcement Training Center, Glynco, Georgia, in 2010. My current duties include investigating federal violations of the Gun Control Act, and explosives in the States of North Dakota, and Minnesota.
2. This affidavit is submitted in support of a search warrant authorizing the search for firearms, ammunition, and documents stored on the property of 123 15th St. N, Fargo, ND, which is a multi-unit facility called Centre, Inc, with a room described as a room where Terry Williams-Bey resides, which is on the second floor, east side of the building, marked "217". The room is shared with three other individuals, with designated living and storage space for each individual. Within this room, there is a living space with a locker labeled "11" and "T W BEY", the immediate area around the bed labeled "T W

BEY”, and a night stand next to his bed described by Centre, Inc. staff as belonging to Terry Williams-Bey. Further, this affidavit is in support of search warrants authorizing the search of a white, Ford F-150, pickup, bearing North Dakota license plate YMMS, registered to the Young Men’s Moslem Society, and described by Center, Inc. Program Manager Robyn Ingvalson as belonging to Terry Williams-Bey and a brown, Mercury Villager van, bearing North Dakota license plate BEY, also registered to Young Men’s Moslem Society, described as belonging to Williams-Bey by Ingvalson. This affidavit is in further support of a search warrant authorizing the search of the person of Terry Williams-Bey. The facts and information contained in this affidavit are based upon my personal knowledge and the investigation and observations of other officers and agents involved in the investigation. All observations referenced below that were not personally made by me were related to me by the persons who made such observations. This affidavit contains information necessary to support probable cause for this application. It is not intended to include each and every fact and matter observed by me or known to the government.

3. On August 29, 2014, Special Agent Cory Borkenhagen received information from the Bureau of Alcohol, Tobacco, Firearms, and Explosives Brady Operations Branch, indicating that Terry Michael Williams-Bey, was unlawfully in possession of a Charter Arms, model Bulldog, .44 SPL caliber, revolver, bearing serial number 12-17347, that he had purchased at Gander Mountain at 2121 43rd St. SW, Fargo, ND, in July 2014. Information provided to the Fargo ATF office was that Williams-Bey attempted to purchase the firearm on 7/4/14, and that the Federal Bureau of Investigation (FBI) National Instant Check System (NICS) did not respond to Gander

Mountain within three days, and therefore the firearm was transferred to him on July 12, 2014.

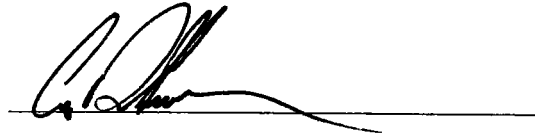
4. Special Agent Borkenhagen received a criminal history for Terry Williams-Bey. Due to prior felony convictions, Terrance Williams-Bey is prohibited from possessing firearms or ammunition under the Federal Law. He was convicted of Criminal Possession of a Controlled Substance in Orange County, NY, a felony, on May 7, 1991, for which he was sentenced to an indeterminate time of, from 18 months to 72 months. He was also previously convicted of Second Degree Burglary in Queens County Supreme Court, NY, a felony, on June 8, 1999, and was sentenced to 60 months imprisonment.
5. Special Agent Borkenhagen contacted Williams-Bey by telephone. Williams-Bey requested that SA Borkenhagen contact Williams-Bey by mail. Special Agent Borkenhagen used certified mail to send a letter on ATF letterhead on September 10, 2014, informing Williams-Bey that he was prohibited from possessing firearms and ammunition, and that he could avoid potential criminal charges by immediately returning the Charter Arms, model Bulldog, .44 caliber, revolver, with serial number 12-17347 to Gander Mountain. On September 25, 2014, SA Borkenhagen contacted Gander Mountain in Fargo, ND, and discovered that the firearm had, in fact, been returned. Special Agent Borkenhagen, later, received in the mail the letter he had sent to Williams-Bey, which appeared to have been opened, along with a letter signed "T Williams Bey", stating that acceptance of the letter was refused.
6. On September 24, 2014, SA Borkenhagen received information from Centre, Inc, Program Manager, Robyn Ingvalson, that Terry Williams-Bey was a resident of Centre,

Inc., and that he was the owner of a brown Mercury Villager van, with North Dakota license plate BEY, and a white, Ford F-150, pickup, bearing North Dakota license plate YMMS.

7. On September 30, 2014, SA Borkenhagen discovered that Williams-Bey had attempted to purchase a DPMS, model MSR, .223 caliber, rifle, on August 26, 2014, at Fargo Scheels All Sports in Fargo, ND. Special Agent Borkenhagen determined that this firearm was not transferred to Williams-Bey due to the transfer being denied by FBI NICS on August 27, 2014, Fargo Scheels All Sports informed Williams-Bey of his denial of transfer on August 27, 2014, and Williams-Bey requested that an FBI NICS appeal form be sent by fax to number 1-718-452-1012.
8. On October 1, 2014, SA Borkenhagen discovered that Williams-Bey had received a North Dakota Concealed Weapons License. On October 2, 2014, ATF Resident Agent in Charge (RAC) Steven Hall contacted the North Dakota Bureau of Criminal Investigation (NDBCI) who reviewed the License issued to Williams-Bey, and on October 3, 2014 determined that the license should be revoked due to Williams-Bey's criminal record in the State of New York.
9. On October 3, 2014, SA Borkenhagen, SA Mark Nickel with the NDBCI, and SA Troy Breitenbach with the FBI, met with Williams-Bey, between noon and 1:00 pm, and orally informed him of his firearms prohibition due to his prior criminal convictions in the State of New York. The agents also informed him of the revocation of his North Dakota Concealed Weapons License. Williams-Bey surrendered his North Dakota Concealed Weapons License to SA Nickel.

10. Later, on October 3, 2014, SA Borkenhagen received information that Terry Williams-Bey had purchased a Charter Arms, model Bulldog, .44 caliber, revolver, with serial number 14-35611 at the Outdoorsman sporting goods store at 4101 13th Ave. S, Fargo, ND. Special Agent Borkenhagen went to that location, and Sales Associate Tony Dorn informed him that Terry Williams-Bey had ordered the firearm on 10/01/14, and had come into the store at approximately 4:23 p.m. on 10/3/14 to pick up the firearm. Dorn stated that Williams-Bey provided him a photo copy of a North Dakota Concealed Weapons License, and a letter with an ATF badge on it indicating that the paperwork Williams-Bey provided was substitute for his actual license until he received a replacement. Special Agent Borkenhagen observed surveillance system footage at the Outdoorsman provided by the individual who completed ATF Form 4473 with Williams-Bey. Special Agent Borkenhagen recognized Williams-Bey on the surveillance footage from his contact with him earlier on that same date.
11. Special Agent Lowell Erickson stated that the Charter Arms, model Bulldog, .44 caliber, revolver, with serial number 14-35611 was not manufactured in the State of North Dakota, and would have traveled in interstate commerce.
12. Based on the foregoing, there is probable cause to believe that upon the property located, there are items which constitute evidence of the crime of Possession of a Firearm by a Convicted Felon, Title 18 U.S.C. 922 (g)(1). Accordingly, I request authority to search for firearms, ammunition, and documents, to include locked containers:

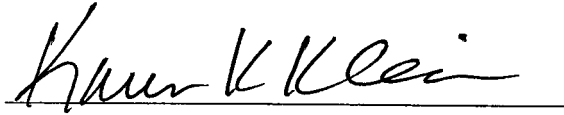
See Attachment A

A handwritten signature in black ink, appearing to read 'C. Borkenhagen', is written over a horizontal line.

Cory Borkenhagen

Special Agent (ATF)

Sworn and subscribed before me this 4th day of October, 2014

A handwritten signature in black ink, appearing to read 'Karen K. Klein', is written over a horizontal line.

KAREN K. KLEIN

UNITED STATES MAGISTRATE JUDGE